

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Office of Personnel

District Personnel Manual Issuance System

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DPM Chapter(s) 4

DPM Instruction No. 4-4

SUBJECT: Standards for Background Investigations Required for
Potential and Current Information Technology (IT)
Systems Employees – **AMENDMENT**

Date: June 10, 2004

NOTE: This instruction supersedes DPM Instruction No. 4-3, dated May 19, 2004, for the purpose of making a correction to § 5 – Guidelines for Determining Disqualification. Specifically, § 5(a)(4) has been deleted; and §§ 5(a)(5) and (6) renumbered as 5(a)(4) and (5), respectively. All other provisions in the original instruction remain the same.

1. Purpose

The purpose of this instruction is to set forth the standards for background investigations required for personnel selected for Information Technology (IT) systems positions in agencies under the personnel authority of the Mayor.

Given the nature of their duties, employees in IT positions have access to systems that house financial, proprietary, or sensitive personal data. Misconduct, illegal action or even inaction on the part of a person with access to such systems could directly compromise the security of the District government. For those reasons, persons considered for employment with the District government in IT positions must be particularly suitable in character, conduct and reputation. Thus, appointees/selectees to IT positions and current IT employees shall be subject to a background investigation as specified in this instruction.

2. Authority

- a. D.C. Official Code § 1-604.08 (2001); and
- b. Mayor's Order 2003-136, Delegation of Personnel Authority to Conduct Background Investigations for Potential and Current Information Technology Employees in Subordinate Agencies, dated September 25, 2003.

3. Provisions

- a. Mayor's Order 2003-136 delegated to subordinate agency heads the authority vested in the Mayor to function as personnel authority for the purpose of conducting pre-employment background investigations for appointees/selectees and current IT employees.
- b. Using the information provided in this instruction, each agency will be responsible for conducting a background investigation for each individual appointed to, or selected for, an IT position.

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart I, § 1.3.].

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- c. Each position vacancy announcement issued by the D.C. Office of Personnel (DCOP) for an IT position will include the following statement:

“A background investigation, including a credit check, is required for this position.”
- d. Except as otherwise specified in this instruction, the background investigation shall be conducted after a selection is made and the DCOP makes a tentative job offer to the appointee/selectee, but before employment commences. A job offer made under these conditions shall be considered a **tentative job offer**, non-binding on the DCOP and the employing agency.
- e. The DCOP will issue a letter informing the appointee/selectee of the tentative selection, and that a final job offer is contingent upon completion of a satisfactory background investigation. The conditional job offer letter issued by the DCOP will include the following documents:
 - (1) The Authorization for Release of Information Background Investigation – Information Technology Position form (Attachment 1); and
 - (2) The Disclosure and Authorization for Credit Check Background Investigation – Information Technology Position form (Attachment 2).
- f. Each subordinate agency head (or his or her designee) shall provide the Director of Personnel (or his or her designee) with a copy of a completed Agency Determination and Findings on Background Investigation for Information Technology Position form (Attachment 3) for each background investigation conducted pursuant to Mayor’s Order 2003-136 and this instruction. This form documents the results of the background investigation conducted by the agency. The completed form shall be provided prior to the effective date of appointment.
- g. Upon completion of a satisfactory background investigation by the employing agency and receipt of the form described in § 3(f) above, a final job offer will be made by the DCOP. The final offer letter issued to the appointee/selectee to the IT position will state that any false or misleading information provided by the person during the background investigation which is uncovered after employment commences, may result in forfeiture of employment.
- h. An appointee to an IT position for whom a background investigation was conducted pursuant to Mayor’s Order 2003-136 and this instruction, shall be subject to investigation for one (1) year from the date of appointment. The purpose of this provision is to continue the agency’s authority and jurisdiction to investigate the qualifications and suitability of the person, if needed.
- i. A current IT employee may be subject to a background investigation when derogatory information about the employee, of a nature that may impact the employee’s suitability to continue performing the duties of the IT position, is disclosed to the agency by credible source(s). Under such circumstances, the background investigation will be conducted by the DCOP.
- j. In addition to a background investigation conducted upon initial appointment, or an investigation for the reasons specified in § 3(i) above, as applicable, a current IT employee will be subject to investigation if, as a result of a promotion, reassignment, or other position change, the employee moves to a position with greater security requirements (including an instance when the duties of the position change resulting in increased security level).

- k. Before conducting an investigation or re-investigation for the reasons described in § 3(j) above, the agency will require that the employee complete the Authorization for Release of Information form (Attachment 1) and the Disclosure and Authorization for Credit Check form (Attachment 2). Additionally, the agency will complete the Agency Determination and Findings on Background Investigation for Information Technology form (Attachment 3) and submit it to the DCOP.
- l. A re-investigation for the reasons described in § 3(j) shall consist of, at a minimum, the elements specified in § 4(d), (e), and (f) below, while an investigation being conducted for the first time shall consist of all the elements specified in § 4 below ((a) through (f)).

4. Elements of the Background Investigation

The background investigation for each appointee/selectee to an IT position shall include all of the following:

- a. Highest education completed or last attended above high school;
- b. Employment during the last five (5) years;
- c. Personal references;
- d. Criminal record check;
- e. Credit check. An agency should perform credit checks in compliance with the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681, as amended, which regulates the use of consumer credit reports in the employment process. The agency should obtain written authorization from the applicant by using the Disclosure and Authorization for Credit Check Background Investigation – Information Technology Position form (Attachment 2).
- f. Any other background information considered necessary by the agency (i.e., professional standing, if relevant to the position), provided that the basis for obtaining such information is not arbitrary or capricious.

5. Guidelines for Determining Disqualification

In addition to the guidelines for determining disqualification below, an agency should adhere to the provisions of District and Federal anti-discrimination laws and regulations when conducting background investigations.

- a. The reasons which may be used in making a determination of disqualification of an appointee/selectee due to unsuitability may include, but shall not necessarily be limited to the following:
 - (1) Delinquency or misconduct in prior employment;
 - (2) Criminal, dishonest, or other conduct of a nature that would cause discredit to the District government;
 - (3) Intentional false statement of any material fact or deception or fraud in examination or appointment;

- (4) Illegal use of drugs; or
 - (5) Any other legal disqualification for appointment.
- b. In making a determination that an appointee/selectee is unsuitable, the agency head (or his or her designee) shall consider the following additional factors, to the extent that these factors are deemed pertinent to the individual case:
 - (1) The nature and seriousness of the conduct, occurrence or information;
 - (2) The circumstances surrounding the conduct or occurrence;
 - (3) The recency of the conduct or information;
 - (4) Contributing social or environmental conditions;
 - (5) The absence or presence of rehabilitation or efforts towards rehabilitation; or
 - (6) The relevancy of the criminal conduct to the duties of the position.
- c. An agency shall not set unreasonably high suitability standards and view minor transgressions as disqualifying. Neither shall the agency be overly permissive in the background investigation. Generally, serious criminal conduct will be disqualifying; however, a conviction of a minor nature, for example, mischievous conduct, should not be used to disqualify an otherwise eligible appointee/selectee.

6. Dealing with Derogatory Information

- a. An agency will attempt to verify any derogatory information by seeking it from more than one (1) source, asking former employers and other sources for permission to name them as the source of the information and, as needed, obtaining a written release from the subject.
- b. Before disqualifying an appointee/selectee for information uncovered during the background investigation, and at the discretion of the agency head (or his or her designee), the person may be given an opportunity to explain the derogatory information, in writing, within fifteen (15) days of being notified of the derogatory information by the agency, in order to avoid errors which might otherwise result from mistakes in identity, or where mitigating circumstances may exist which are unknown to the agency.
- c. In allowing an appointee/selectee to explain any derogatory information, the agency may serve him or her with a written interrogatory, or may have the person appear personally before a designee of the agency head.
- d. Before taking any adverse employment action against a person (such as refusing to hire the person) based in whole or in part on a consumer report, provide the affected person with a copy of the report as well as a written description of his or her rights, pursuant to the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681b(b)(3).

7. Privacy Concerns and Record-Keeping

Each agency will maintain background investigation reports for three (3) years from the date of completion. Information related to background investigations conducted pursuant to Mayor's Order 2000-136 and this instruction shall be maintained in strict confidence in accordance with this instruction and under the provisions of Chapter 31 of the D.C. personnel regulations, Records Management and Privacy of Records.

8. Effective Date

This instruction is effective immediately.

Rosalind R. Inge
Interim Director of Personnel

Attachment 1: Authorization for Release of Information Form

Attachment 2: Disclosure and Authorization for Credit Check Form

Attachment 3: Agency Determination and Findings on Background Investigation for Information
Technology Position Form

Attachment 4: Mayor's Order 2003-136

GOVERNMENT OF THE DISTRICT OF COLUMBIA

AUTHORIZATION FOR RELEASE OF INFORMATION

BACKGROUND INVESTIGATION – INFORMATION TECHNOLOGY POSITION

[Carefully read this authorization to release information about you, then sign and date it in ink.]

Name: _____

Date of Birth: _____

*Social Security Number: _____

Place of Birth: _____

Home Address: _____

This release, as transmitted to me by a duly authorized representative of the D.C. Office of Personnel, District government, constitutes my consent and authority to the District government to examine and obtain copies, abstracts of records, or receive statements and information regarding my background. Specifically, I hereby authorize the release of the following information or records to a duly authorized representative of the District government agency considering me for employment:

- a. Information about my educational background;
- b. Information about my employment during the last five (5) years;
- c. Personal references;
- d. Criminal record check;
- e. Credit check (separate disclosure and authorization form attached); and
- f. Any other background information considered necessary by the agency (i.e., professional standing, if relevant to the position tentatively offered to me), provided that the basis for obtaining such information is not arbitrary or capricious.

I give this authorization for the release of the information above in connection with a tentative offer of appointment to an Information Technology (IT) position made to me by the D.C. Office of Personnel. I further authorize the custodians of records and other sources of information pertaining to me, to release such information upon request of the duly authorized representative of the agency. I authorize the release of this information regardless of any previous agreement to the contrary.

I understand that the information released by the custodians of records and other sources of information is for official use by the District government, only for the purposes of employment in an IT position, and that it may be redisclosed by the District government only as authorized by law or regulation.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is **valid for one (1) year** from the date signed or upon the termination of my affiliation with the District government, whichever is sooner.

*Information regarding disclosure of your Social Security Number (SSN) is in accordance with Chapter 31 of the D.C. personnel regulations, Records Management and Privacy Records, § 3104.3. Disclosure of your SSN is mandatory to obtain the services and benefits of employment with the District government. The SSN is used as an identifier throughout your District government career. The SSN also will be used by the District government in connection with lawful requests for information about you directed to your former employees, educational institutions and financial or other organizations. The information gathered through the use of the SSN will be used only as necessary in personnel administration processes carried out in accordance with established regulations and published notices of systems of records.

Signature of Appointee/Selectee

Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISCLOSURE AND AUTHORIZATION FOR CREDIT CHECK
BACKGROUND INVESTIGATION – INFORMATION TECHNOLOGY POSITION

In accordance with the Fair Credit Reporting Act, approved October 26, 1970 (P.L. 91-508; 15 U.S.C. § 1681), this is to notify you that a Consumer Credit Report or Investigative Consumer Report will be obtained on you for purposes of employment in an Information Technology (IT) position with the _____, District government.
(Agency)

RELEASE

By signing below, I hereby authorize the District government agency considering me for employment in an IT position noted above, to contact any and all credit agencies to release information about my background including, but not limited to, information about my consumer credit history. I release from all liability all persons and companies supplying such information. I further discharge and release the District government against any liability that may result from making such requests. I understand that this credit check is needed in connection with a tentative offer of appointment to an IT position made to me by the D.C. Office of Personnel. I also understand that before taking any adverse action based in whole or in part on the report, a summary of my rights under the Fair Credit Reporting Act and a copy of the report will be provided to me upon my request. I believe, to the best of my knowledge, that all information I have provided below is accurate, true and correct, and attest that I fully understand the terms of this release.

(Please print) Name of Appointee/Selectee: _____

(Please print) Other names used: _____

Address: _____

City/State/Zip: _____

*Social Security Number: _____

*Information regarding disclosure of your Social Security Number (SSN) is in accordance with Chapter 31 of the D.C. personnel regulations, Records Management and Privacy of Records, § 3104.3. Disclosure of your SSN is mandatory to obtain the services and benefits of employment with the District government. The SSN is used as an identifier throughout your District government career. The SSN also will be used by the District government in connection with lawful requests for information about you directed to your former employees, educational institutions and financial or other organizations. The information gathered through the use of the SSN will be used only as necessary in personnel administration processes carried out in accordance with established regulations and published notices of systems of records.

Signature of Appointee/Selectee

Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA

**AGENCY DETERMINATION AND FINDINGS FOR
BACKGROUND INVESTIGATION FOR INFORMATION TECHNOLOGY POSITION**

AGENCY: _____

I certify that a background investigation has been completed on _____.
(Name of Appointee/Selectee or Employee)

The background investigation covered the following:

	RESULTS	
	Verified	Not Verified
a. Educational information	<input type="checkbox"/>	<input type="checkbox"/>
b. Employment during the last five (5) years	<input type="checkbox"/>	<input type="checkbox"/>
c. Personal references	<input type="checkbox"/>	<input type="checkbox"/>
d. Criminal record check	<input type="checkbox"/>	<input type="checkbox"/>
e. Credit check	<input type="checkbox"/>	<input type="checkbox"/>
f. Any other background information*	<input type="checkbox"/>	<input type="checkbox"/>

*Specify: _____

I attest that the results of the background investigation conducted were:

☐ **SATISFACTORY** – Based on the satisfactory results of the background investigation: (1) the appointee/selectee is suitable for employment, and the D.C. Office of Personnel is hereby authorized to make a final offer of appointment and proceed with the hiring process for this appointee/selectee; or (2) the employee is suitable for the position change (i.e., promotion, reassignment, or other position change) which required that an investigation be conducted, and the D.C. Office of Personnel may proceed to process the personnel action to effect the position change.

☐ **UNSATISFACTORY** – (1) Please cancel the tentative job offer and inform the appointee/selectee of this determination; or (2) Do not process a personnel action to effect the position change for this employee.

CERTIFIED BY:

Signature of Agency Head (or Designee)

Date